

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

### **CITY COUNCIL MEETING**

**TUESDAY, MARCH 28, 2017 – 7:00 P.M.**

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Senior Pastor Craig Wansink, Second Presbyterian Church, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Mr. Thomas, Dr. Whibley, and Mr. Alexander.

Mayor Alexander moved to dispense with the reading of the minutes of the previous meeting.

#### **Motion adopted.**

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander

No: None.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the application of **Sentara Healthcare**, a) an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Single Family Traditional to Commercial at **509 Yoder Avenue, 6012-6044 Benton Street, 500-520 Lucas Avenue** and b) for a change of zoning from Conditional C-2 and R-6 (Single-family) to Conditional C-2 at **509 Yoder Avenue, 6012-6044 Benton Street, 500-520 Lucas Avenue, 812-820 Poplar Hall Drive, and 6015 Poplar Hall Drive.**

Warren Tisdale, attorney, representing the applicant, 440 Monticello Avenue, Ste 2200, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **509 Yoder Avenue, 6012 to 6044 Benton Street, 500 to 520 Lucas Avenue, and 812 and 6015 Poplar Hall Drive** to Conditional C-2 (Corridor Commercial) District,” was introduced and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-1A

An Ordinance entitled, “An Ordinance to amend the City’s General Plan, *plaNorfolk2030*, **SO AS TO** change the land use designation for properties located at **509 Yoder Avenue, 6012 to 6044 Benton Street, and 500 to 510 Lucas Avenue** from single family traditional to commercial,” was introduced and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to **Grant a Certificate of Appropriateness** authorizing the demolition of a multi-family building at **616 Graydon Avenue and located in a Historic District**.

Mayor Alexander announced the process for this matter provides for the City to present its case, followed by the applicant, who is allowed 15 minutes to present his case, followed by members of the public who registered and have 3 minutes to speak, concluding with the applicant having 5 minutes for rebuttal.

Lenny Newcomb, Assistant Planning Director, stated the following:

This structure is in the Ghent Historic District. When reviewing a demolition request in such a district, the following guidelines are applied: 1) how does the structure contribute to the neighborhood, 2) it is deteriorated beyond repair, and 3) is this a building that fits the character of the neighborhood. After review, the Architectural Review Board (ARB) denied the applicant's request to demolish his building. Mr. Newcomb stated that a structural analysis indicated the building was economically feasible to rehabilitate.

Phil Weast, the applicant, 860 Wood Stock Road, Virginia Beach, stated the following:

He does not know what to do with the building, and has consulted two engineers; one said the building could be repaired and the other said it could not. If he renovates the building it will cost \$2 million. He has had several contracts from buyers to purchase the building. He said he is willing to sell and take a loss on the building. Currently, it is under contract, with an extension.

Richard Levine, 610 Pembroke Avenue, stated that he did not know the building was up for sale and that he supports the Architectural Review Board decision, and offered to buy the building if the existing contract does not materialize.

The following opponents spoke concerning this matter:

Greta Gustavsom, 421 Bute Street, stated that she has lived in Historic Freemason for over 40 years and is a member of the Architectural Review Board. The Architectural Review Board process is fair and when a request comes to them, they look at it objectively. She affirmed the board's denial of the demolition request.

Alice Allen-Grimes, 1322 Mallory Court, stated that the Architectural Review Board made the right decision and that you cannot base a decision on a financial gain.

Larry Remaklus, 908 Colonial Avenue, stated that the Certificate of Appropriateness should be denied.

Mark Perreault, 950 Hanover Avenue supported the Architectural Review Board decision.

Emily Birknes, 212 Colonial Avenue, president of the Ghent Neighborhood League, supported the Architectural Review Board's decision opposing the demolition of the property. She said several calls were made to the Norfolk Cares line on the deteriorated condition of the building. It's important that Council uphold the vote of the appointed commission.

Phil Weast, the applicant, 860 Woodstock Road, Virginia Beach, responded that he agrees with some of what people were saying. He said several contracts have fallen through, and he is willing to drop the price to sell the building.

**ACTION:** The Ordinance as introduced **LOST**.

Yes: None.

No: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on vacating and relocating that section of the **Elizabeth River Trail** located between **Claremont Avenue and Orapax Street** to a new location in the right of way of **Raleigh Avenue**, and authorizing the conveyance of the vacated section of the **Elizabeth River Trail to Marine Hydraulics International, Inc.**

Victor Brannon, the applicant, 543 East Indian River Road, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance vacating and relocating that section of the **Elizabeth River Trail** located between **Claremont Avenue and Orapax Street** to a new location in the right-of-way of **Raleigh Avenue**, and authorizing the conveyance of the vacated section of the **Elizabeth River Trail to Marine Hydraulics International, Inc.**, contingent upon the satisfaction of certain conditions,” was introduced and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective April 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-4

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the issuance of up to \$3,000,000 in **General Obligation Bonds** (the "General Obligation Bonds") to finance certain costs of acquiring, constructing and equipping capital improvements for **Brownfield Remediation Projects**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the issuance and sale of **General Obligation Bonds** by the City of Norfolk, Virginia," was introduced and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-5

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the issuance of up to \$12,000,000 in **Wastewater System Revenue Bonds** (the "Wastewater Revenue Bonds") to finance, with respect to the City's wastewater system, certain costs of acquiring, constructing and equipping capital improvements.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the issuance and sale of Wastewater **System Revenue Bonds** by the City of Norfolk, Virginia," was introduced and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-6

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** between the **City of Norfolk and Bon Secours – DePaul Medical Center, Inc.** for the lease of a portion of certain property owned by the City of Norfolk at **7300 Newport Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between the **City of Norfolk and Bon Secours – DePaul Medical Center, Inc.**, for the lease of a portion of certain property owned by the City of Norfolk at **7300 Newport Avenue** and authorizing the City Manager to execute the **Lease Agreement** on behalf of the **City of Norfolk**,” was introduced and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective April 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-7

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Land Disposition and Development Contract** between the City of Norfolk, as seller, and Breeden Investment Properties, Inc., as purchaser, located at **600 E. Ocean View Avenue and 719 E. Ocean View Avenue**.

Ken Paulson, 2071 East Ocean View Avenue, President Cottage Line Civic League, stated that the members of East Ocean View, Bayview, Greater Pinewell and Ocean View Civic Leagues support the sale of the land to the Breeden Group.

Thereupon, an Ordinance entitled, “An Ordinance approving a **Land Disposition and Development Contract** between the **City of Norfolk**, as seller and **Breeden Investment Properties, Inc.**, as purchaser, for real property consisting of 6.38 acres, more or less, and located at **600 E. Ocean View Avenue and 719 E. Ocean View Avenue** in the **City of Norfolk**,” was introduced and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective April 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

## **CONSENT AGENDA**

C-1

Letter from the City Manager and an Ordinance entitled, An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as **'Food Mart'** on property located at **1011 Kempsville Road**.

(CONTINUED FROM THE MEETING OF MARCH 21, 2017.)

Khan Ziaulamin, the applicant, 1701 Meredith Road, Virginia Beach, VA, was present answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-2

Letter from the City Manager and an Ordinance entitled, An Ordinance to amend and reordain Ordinance No. 46,534 to increase the **School Nutrition Services Program Budget for Norfolk Public Schools** by grant funds in the amount of \$500,000 in Fiscal Year 2017 and appropriating the additional grant funds to the School Board and authorizing the expenditure of the additional funds for the **Norfolk Public Schools School Nutrition Services Program for Total School Nutrition Services Program** funding in the amount of \$19,065.00 for Fiscal Year 2017.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

C-3

Letter from the City Clerk presenting the request for use of the **Mace** for the **Flag Raising Ceremony** on **April 28, 2017 at 5:00 p.m.** and for the **Parade of Nations** to be held on **April 29, 2017 at 10:00 a.m.**

**ACTION:** Use of the Mace approved.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.



## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the bid submitted by **Crown Center Associates, LLC** for a **Long-Term Garage Parking Agreement**, with a term of 20 years, for the lease of 145 parking spaces in the **Commercial Place Garage** located at **520 East Main Street in the City of Norfolk**,” was introduced in writing and read by its title.

(CONTINUED FROM THE MEETING OF MARCH 21, 2017.)

Mayor Alexander asked for a recommendation from the administration. City Manager Doug Smith, reported the administration recommends accepting the bid.

Michael Glasser, the applicant, 580 East Main Street, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Bobcolley, LLC, Barbaracolley, LLC, Athurcolley, LLC and Edholding, LLC** permission to encroach into the right-of-way at **1501 Colley Avenue** approximately 215 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **License Agreement** with **Tidewater Textile Recycling, LLC** for the operation and maintenance of donation bins to benefit the **Special Olympics of Virginia**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a right of entry permitting **Azalea Little League, Incorporated** and **Fleet Park Little League, Inc.** to go upon and use certain City owned property located at **1130 Pineridge Road** for recreational purposes,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-5

Letter from the City Manager and a Resolution entitled, “A Resolution approving and adopting an updated plan addressing hazard mitigation actions to protect people and property known as the **‘2017 Hampton Roads Hazard Mitigation Plan Update’**,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-6

Letter from the City Attorney and an Ordinance entitled, “An ordinance to clarify ordinance number 45,558 authorizing the **City Manager** to enter into a **Performance Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **500 Granby, LLC** permission to encroach at **500 Granby Street** into the rights-of-way of **Granby Street and Bute Street** approximately 1,080 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal one subsection of **Section 25-646** of the **Norfolk City Code, 1979**, regarding the speed limit on **Willow Wood Drive**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective March 28, 2017.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

## **NEW BUSINESS**

1. Tom Luckman, 3192 Gallahad Drive, Virginia Beach, stated that he represents the Retired Employees Association of Norfolk and offered the following concerns:
  - A) Money issues, dispel Council concerns that an automatic contribution will cause funds to decline.
  - B) Norfolk must remain competitive when hiring employees. There is no automatic COLA in the retirement plan; employees may not want to work for the City.
  - C) Moral issues, for years' employees were told that adhoc COLAS were in Norfolk's plan, and we were receiving them on a regular basis since the 70's, then the COLAS stopped. Now we have a new Council who has inherited these issues and there is no plan. He asked that the retirees receive a 3½ percent COLA in the FY2018 Budget.
2. Danny Lee Ginn, 3844 Dare Circle, stated that last week he asked Council to rescind Rule 6, Rules of Conduct, because he felt some of the provisions were unconstitutional and strips citizens of their freedom of speech. After this Rule 6 was passed he consulted an attorney. He then found out later that he has every right to come to the meetings to express his opinion under the 1<sup>st</sup> Amendment.